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I Brian Mercier here by depose that I am drafting a handwritten affidavit, That is truthfully expressed under the pains and penalties of perjury.

I have been subjected to eight years of unconstitutional violations, And over four years of unlawful restraint for the denial of court mandated (ordered) good conduct deductions that were part of settlement agreement of which the defendants have arbitraliy violated.

I have recieved the following sentences to the BILLERICA house of correction.

3 months, April may June of 1990

3 months committed 8/9/91

2 years committed 12/11/91

2½ years committed 8/22/94

2 years committed 4/8/00, with eighteen months from and after on 12/18/00.

Current sentence, eighteen months committed 10/9/03 with 2½ years current at eight month mark on or about 6/10/04, making it a thirty-eight month sentence. Total years eleven, Total months eight. I have served eight years of that time. And mintina.

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That is eight years of served time,
That I have never recieved the 7.5 days
good time that I should have been granted.
The cap has exceeded the given number
numeraus times through out these periods
In which, I should have been granted
12.5 days per month under the said agree-
ment.

This includes the time I am now serving.
Also, at the present time, The max
number given in said agreement is well
over the limit. And I am recieving nothing
under said agreement except what I earn.

Cell Conditions..

I have had cells where the toilet leaked
the entire time I have lived in them. I moved
from cell-C 18, to cell 24 five months ago.
The toilet in that cell still leaks. That was
five months ago. The cell I presently live
in (C-24) has paint peeling everywhere.
I have exposed concrete below my window
area. My heating vent has layers of dust in
it, And a soot like substance blow out of it
when running. Which has caused gagging
and constant sneezing at times. The window
in my cell, and in all cells has inadequate
rawkina all around the window.

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The windows themselves have outrageous drafts to them. On cold nights I have a hard time falling asleep because I was freezing. The light switch in many cells do not work. I have had to turn lights on and off by hand. There have been times that I have burned my finger tips because of this method. There are no light shades in any cell, They are all bare bulbs sticking out of the wall.

The lower ventilation vents themselves are either clogged with layers of mold or dirt. The one in my cell is visably glogged with caked dirt, And ~~has~~ exposed shards of rusted metal from water damage.

The ceiling in my cell is crumbling, And thick paint chips fall daily. My ceiling leaks of occaisional water that comes down on my bed while I am sleeping. I have woken up in the middle of the night to releave myself only to step in murkey type water. I have experienced foot fungus rashes due to these incidentia. There are cells with inadequate shelving for two. These such ~~cells~~ have not had broken shelving replaced. These said — conditions have worsened on each return I have had.

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It has become clear, That the older I have got, the inside of this Jail has become more deteriorated.

Shower Rooms . , (NEVER SANITIZED)
There is visable caked up mold between shower stalls. The shower stalls are never pressured ~~at~~ washed as required.

I have had pipe soot run over my body after first turning shower on. The majority of the shower heads hardly work because they are clogged with pipe soot.

The shower heads are the same ones they were my first time here in 1990. The shower drains constantly back up to the point where I have stood in puddles of soap scum waters. There are only two urnals and two toilets in said shower room. There are two shower rooms. One on the first floor, One on the second floor. Each shower room has one urnal, one toilet. Throughout each recreation period, These said toilets and urnals are all there is available to use during two and three hour periods. There are three hundred and fifty men who use these toilets seven

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days a week. These said toilets have no seat covers. They have been broken off and never replaced. These same urnals and toilets are constantly over flowing or clogged. When over flowing takes place, it goes directly onto shower area floor. I have seen said toilets go unclogged for weeks at a time. There are sbp sinks located in the shower room covered in a yellow film, and have been as far back as I can remember. At the present time there is trash bins on wheels located in the first tier shower room. This has attracted fruit flies — and other insects to the moist area. I had had these type bugs land on me while attempting to take a shower. I have experienced a series of different skin rashes. The medical department cant seem to explain. These type of rashes have also taken place on my body throughout the years. The shower room also has washers and dryers located in it as well. The dryers are not hooked up to outside exhaust systems. Therefore, all lint and dust build up is built up behind the washer and dryers, And around shower

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area as well. I had periods of nausea, dizziness and headaches throughout these time periods.

Day Room Recreation AREA.

There are only two window latches that work in this area. There is a total of twenty windows. There are eighteen windows that do not properly close. These windows have been in the same condition since my first bid in 1990. There are ten windows on each side of said day room. All of which are exposed to outside elements. This room is absolutely freezing in the winter. The steam heaters (radiators) are located below all said windows. Therefore, all heat just goes out the window. I have been personally handed paper towels by officers so that I could stuff them in between said windows in order to stop the wind from blowing them open. I have had to on many occasions wear double layered clothing in said day room just to play a game of cards during the recreation period. The steam radiators

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themselves have visable scum build up on them, And when in use smell of a foul ordor. There are hot water pipes all arand said day room, due to the steam heating system. There is not one single pipe in the said day room wrapped to protect people from being burned. These said pipes are located right next to the phones. While talking on the phone, I have leaned against these pipes and have got burned because of it. I have seen this happen to many people. These said pipes are all at foot, hip — and shoulder level, And are completely exposed. There also is hanging wires in said day room directly above medication line. These said wires, have visable layer of dirt on them that now looks like furr. The day room water fountain has visable scum build up on it, And has not been disinfected in who knows how long. I have recieved sore throats from drinking from said fountain. This fountain is the only source of drinking water during recreation periods. This fountain has been used by thasands. I refuse to use this fountain any longer. There is a small cage that holds this said fountain

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against the wall. However, there is a small space behind the fountain that is filled with trash, And always has been. The water itself is unfit for human consumption. The staff members do not use this water. They have thier own unlimited supply of spring water paid for by the government without thier knowledge. This is one of many countless mismanaged funds taken from the federal government.

The day room built in exhaust window fans are caked with layers of dust, And are operated as is every summer. I find myself constantly sneezing during these time periods. I have had many types of sicknesses, And soar throats due to these conditions. I have gone to the medical staff with these such symtoms only to be given asprin, And anti fungle creams as a solution to these everyday problems. The medical department is now at the point where they will no longer give out anti fungle cream because they have had to give out so much of it. So they decided to start selling it, Because they simply dont want to pay for it. It is not anyone inmates fault

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that this here building is in such terrible condition.

.The all concrete recreation yard.

There is only one recreation yard in the main building. This outside yard is extremely small for over 350 men to have to use. There is a section of this said yard that has a twenty foot long, four foot wide caved in slab of cement directly located along the edge of the handball court wall that is still being used daily. I have witnessed with my own eyes inspectors completely overlook this said hazzardess area on a number of occasions. This said caved in area of cement is at least one foot below ground level. When it rains the said area fills up with water and does not evaporate for days. I myself have in fact twisted my ankle, or foot numerous times in past, And recent history. (SEE MEDICAL File) As a result, I have had sprained and swollen feet for long periods of time. There are also pot holes and cracks in near, and all around the unlevel basket ball court. This yard has four brick sided walls to it. ~~It is a very small area.~~

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There are bricks and stone slabs that fall from these said walls yearly.

I can remember just five months ago in August, when a numerous amount of bricks fell into the said yard during a recreation period. This said area was yellow taped off for about two days, And it was then ripped down only to get back to business as usual with no repair being done on said area.

The above said yard in itself is a hazard. There have been hundreds of thousands injured in this said area.

In the very same said area, There are four cement blocks protruding from the ground that ~~are not~~ very visible at night. When walking and talking people forget they are there, And constantly trip over them. I myself have severely stubbed my toes on them because the outside showers are only six feet away.

Two man cells.

I have been subjected to two man cells every time I have been here. The fore mentioned (settlement injunction agreement) states that no one man can be placed in a double cell unless he request to be.

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I have never requested or consented to be placed in a double cell. Inmates are just put in doubles, and are told that the way it is. I have been locked in the same cell for many ten day periods with another individual for disciplinary reasons. This how they use to discipline people — before they instilled a segregation unit. I have been forced to sleep on unsafe bunk beds. There is not a single double bunkbed that don't have books, jars or something jammed between the locker and bed in order to keep it from rocking back and forth. These are dangerous set ups. The heating vent is top bunk level and cannot be controlled. I have had countless nose bleeds due to this form of dry heat. This very same said vent, And they are all the same, IS and are loaded with dust as well as dirt, And have been every time I have been here.

In 1992 the institution went into a state of lock down without forewarning. The governor at the time (WELB) called for confiscation of all televisions and property. I was locked in my cell for a five day period with one sheet, a pair of shorts and a T-shirt. There were four

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of us in that cell during that said five day period. In that five day period there were no showers given, And I was blasted by water from fire hoses through out each day for that five day period. I was also subjected to the down stairs hole area, where there is no ventilation or showers. I spent thirty days in this said area in 1993, and was given no phone calls or showers. There are no windows in this said area.

I have also been subjected to the "new" segregation unit. Where I have been doubled with another cellmate who was disgruntled, and in his own lock down mode. This caused friction between the two of us while being locked down.

While I was locked up in said unit, In 2000-2001-2003- I again did not consent to be in a double cell while being disciplined. I was told if I did not comply that I would be strapped to a chair for eight hours.

So while I was locked up in said unit, I was not allowed to have anything more than one pair of boxers I had on and a tshirt. I was — stripped of all my own time clothing

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and then placed in a segregation cell with another man in my underwear. (five days). In the course of that five days, I did not get a change of clothing. There are people going through this type of treatment at this very moment. Also there is a steady flow of people in and out of this said unit, And because of that, There is constant food trays being thrown out on to the tier. This has caused cockroaches to storm the said area. I have been bitten by spiders. I have awoken to cockroaches crawling on me. I have seen rodents running about cell floors. I have been housed on tier two in the recent past. This said tier two is just below the segregation unit. When the segregation unit floods out, The water leaks down ~~the~~ through the ceiling into the cells below. I have lived in one of these said cells in the recent past, And have got wet from these above said floods. The second tier ceiling is damaged at this present time from these constant said floods. There currently is not anything being done to solve this above said problem.

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In July or August of 2004,
I seriously injured my left foot.
This said incident was recorded,
And placed in gym log book.
I stepped on a black gym type mat
that surrounds the weight machine
itself, And went through into the
floor, Twisting my left foot.
On further investigation, I found
that there are many such areas
underneath these said mats.
There are gaps in the floor between
the floor boards below these
mats. I did see house doctor some
odd days later concerning my then
swollen foot (left) Only to be given
an ace bandage and a one month
supply of motrin. In which caused me
stomach aches for that said entire
time period. However, they were the
only thing I to take in order to relieve
the pain. My ankle has not healed properly
since then and I was never placed on
medical feed ins. I had to walk on said
injured foot in order to eat. The said injury
still causes me discomfort and does make
strange clicking sound. I need MRI, But
have lost all confidence in medical staff.

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- Gated AREAS - PASSAGE WAYS -

There is not anything I can touch in these said walkways without getting my my hands dirty. The gated areas are constantly filthy. I have to constantly wash my hands inbetween and during each recreation period. I am left with no choice, But to use before mentioned antifingle cream on my feet, arms, and face. The only time I have ever had to deal with these said skin conditions, IS while I have been here at the B.H.C. I have been told by members of the medical staff to shower less, Because the water is the problem.

OTHER EXPERIENCES

In the riot of 1995 - I got smoke inhalation, And was given oxygen twice. The second time my chest was in pain for two and a half hours. I also have been here for countless other tier fires. When these said tier fires take place, The smoke billows into my cell due to the low ceilings. When this takes place, There is no fire alarm that sounds, And no one comes around to check on anyone when these said fires

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take place on the tiers.

I had to sleep with layers of cloths on to keep warm. My cell is freezing at night because I cannot pop open my heating vent due to the illnesses I feel when it is open. I have gotten sick on countless occasions due to un-cooked chicken. In the before mentioned day room, There is a 1933 conversion shaft that has accumulated debries, abestos, And hazzardous material causing air bourn illnesses to take place in said day room.

There have been times when I had to sit in the dark for hours waiting for the officer to bring me a light bulb.

The lighting system is old ~~that~~ bulbs are constantly blowing due to the turning on and off by hand.

When I arrived here at the Billerica-house of correction- I was placed in what is called the (new man unit) This said unit is adjacment to the before mentioned segragation unit. While I was in the new man unit for six days I had many sleepless nights due to the banging and screaming that went on every night in the said segragation unit. I had to

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walk around in puddles of toilet water with urine in it and who know what else. Whenever I have ever been in or near to these said areas, I have had feelings of illness and uneasiness.

No Availability or Access to cleaning supplies...

There are no daily or weekly times where one is able to clean or disinfect toilet bowls, or clean sinks. There is no one person who comes around with such cleaning supplies. The federal store funds for chemicals appears to be missing. There are water bugs and other type insects living in the back of some toilets.

- TRASH BINS and Barrels -
I have yet to see one trash bin that has been washed out. The ones that are currently located in the first tier shower room are corroded with visible fungus on them, And they **smell** awful. There are no small trash cans in the cells. Therefore, All canteen items that become trash are thrown out onto the tiers for the worker to clean up. And

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because of this constant steady flow of trash, The tier floors are constantly dirty. There is only one barrel in the above mentioned day room, And that barrel is located at the medication gate. There are no barrels in around or near card playing tables, Therefore, All candy wrappers and excess trash goes onto day room floor for inmate worker to clean up. The inmates are not encouraged to use barrels because there is not very many through out the movement areas. These are some of the reasons I have had to deal with rodents and things of the such like.

- Town of BILLERICA WATER - - Supply -

The town of Billerica has been proven to be one of the worst water supplies in the state of mass. I have read countless articles pertaining to this very subject. There are periods throught out each and every year I have ever been here that the water has changed to a dark brown color for hours at a time. The plumbing system itself has to be one

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of the oldest in the state.

The food for the inmates has been prepared in the said brown colored water on many occasions simply because they had no choice.

The same water system runs through out the entire institution.

I have used this above mentioned water to prepare coffee. I have had no choice but to consume this such water during my stays here at B.H.C. As mentioned earlier, All staff members have access to spring water.

—WIRES and PIPES—

In before mentioned day room,

There are visible wires hanging with a fuzzy like mold attached to them.

There are rafters in the gym that are filthy with visible hanging wires.

All the above said wires and rafters have not seen cleaning since my first bid. These said things are all evident to the naked eye.

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- Disposal of KITCHEN FOOD -

There are no food grinders here at B.H.C. [REDACTED] I have seen all excess food be dumped into garbage bags and thrown directly into dumpster.

- INSPECTION -

I have been here at B.H.C for a number of inspections. It seems that before each inspection, they (staff) have the inmates clean certain areas of the Jail before the inspectors come through. (In spite of all that) what I never understood was all the things in my before mentioned findings, were not found by the inspectors themselves.. I have seen these same findings since my first sentence here in 1990. All of the above findings are exactly the way I have said they are right now.

I have had to hold bowel movement in medical department for long periods of time because there are no restroom in that said area for inmates. The same goes for the training center department.

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— INSTITUTIONAL STAFF —

I have personally spoke with many officers, captions, and deputies here at the B.H.C. about some of the above mentioned conditions.

They all have a very indifferent attitude to any complaints.

I have personally suffered physical pain, long term illness, And mental anguish.

Over four years of this hardship was because I was unlawfully restrained in violation of the courts order for good time, (when it exceeded the cap) It would take production of commitment records to demanstrate the vast number of inmates that have also been on the brunt end of the inhumane conditions. Once again, under the pains & penalties of perjury — as God as my witness —

I state that the conditions of my sufferings merriit compensation.

signed *Brian Murin*

DOB,

8/28/71